

Atty. Dkt. No. AB11460-2
(071243-1301)

Indeed, to the extent that the requirement for restriction is maintained, it is respectfully submitted that the claims have been divided into an excessive number of groups.

Accordingly, regrouping of the claims is respectfully requested. It is respectfully submitted that all pending claims could be assigned to one of three groups as follows:

- I. Claims directed to methods of administration – includes current groups 1, 2, 3, 4 and 16 (collectively embracing claims 29-35, 76-78 and 82-85);
- II. Claims directed to formulations – includes current groups 5, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, and 19 (collectively embracing claims 46-52, 66, 67, 70-75, 79-81, 86-99 and 101-121); and
- III. Claims directed to methods of making – includes groups 9 and 10 (collectively embracing claims 53-65 and 100).

From among these claims, Applicants elect Group II, directed to formulations (i.e., claims 46-52, 66, 67, 70-75, 79-81, 86-99 and 101-121).

In the event the Examiner is unwilling to examine all formulation claims together, Applicants respectfully request that at least groups 15 and 17, directed to dry powder comprising a protein, and articles of manufacture containing same, be combined for further prosecution.

In order to be fully responsive by election of a single group from among the plurality of groups set forth in the Office Action, Applicants hereby elect the group 15 claims (claims 72-75 and 101-108) for prosecution on the merits.

Atty. Dkt. No. AB11460-2
(071243-1301)

In view of the above remarks, prompt and favorable action on all claims is respectfully requested. In the event issues remain to be resolved in view of this communication; the Examiner is invited to call the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: May 12, 2003

FOLEY & LARDNER
P.O. Box 80278
San Diego, California 92138-0278
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

By



Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192